

HEARING PANAMA LIBEL CASE

GOVERNMENT SEEKS TO TAKE EDITORS TO WASHINGTON.

Federal Attorneys Try to Show Judge Anderson That Defendants Committed Crime in District. Though the Publication was in Indianapolis.

INDIANAPOLIS, Oct. 11.—The hearing of the libel case against Delevan Smith and Charles C. Williams of the Indianapolis News, both of whom have been indicted in Washington in connection with others for articles on the Panama Canal purchase, was resumed before Judge Anderson of the Federal court this morning. Stuart McNamara, chief counsel for the Government, got here last night and took charge of the case to-day.

Irving C. Sauter, Government secret service man, was the only witness introduced by the Government. He testified that he had visited the office of the Indianapolis News in Washington and that he had seen copies of the News on sale in Washington hotels. Sauter was not cross-examined.

Mr. McNamara said the would introduce documentary evidence and began by reading portions of the testimony given by William Nelson Cromwell before the Senate investigating committee in 1906, when the Senate was investigating the transaction by which the United States obtained the Panama Canal property from Colombia.

Mr. McNamara read from a report of the Isthmian Canal Commission the appraisal of the Panama Canal property for the purpose of reaching a purchase figure for the United States to pay for the property. These figures showed the excavations to be worth \$27,474,043 and other property worth \$8,550,000, making a total of \$36,024,043. Adding 10 per cent., the total appraisement was \$40,000,000.

A further statement was that the canal company had spent \$10,411,500 on the property. He also read from the report of the commission to show that the commission had always been in favor of the Panama route for a canal, and that it did not favor the Nicaragua route.

Mr. McNamara read copies of cablegrams which were sent by officers of the Panama Canal company in Paris to its representative in Washington making offers to sell all of the canal property and concessions in Colombia, and elsewhere to the United States for \$40,000,000.

"The first cablegram was sent just two days after the House of Representatives of the United States had passed the Nicaragua canal bill," said Mr. Winfield.

Mr. McNamara introduced in evidence an article published in the Indianapolis News on October 26 under a heading: "The Canal Deal," and another published on December 10 under a heading: "Who Got the Money?" These were articles set out in the indictment.

Mr. McNamara asked Mr. Winter to admit that copies of the Indianapolis News containing the alleged libelous articles had been circulated in the District of Columbia. Mr. Winter refused to make the admission, so Mr. McNamara went to the witness stand himself and read to the jury the articles in question.

Mr. McNamara said that when he was here for the former hearing he believed the denial made by William Nelson Cromwell and published in the New York World on October 19, 1908, was printed in the edition which was sent to the Indianapolis News, but that since then he had found that the denial was published in the second edition of the World and that the third edition is not sent to the News. Counsel for both sides agreed that the record should show this.

No further testimony was offered, the Government resting its case. The defense announced that it had nothing more to offer.

Judge Anderson stated that he would not limit the testimony in the least of the arguments, and Mr. McNamara made the first argument for the Government.

He took up first the question of whether the publication of the articles was the defendant committed the crime alleged in the indictment. He recalled how E. J. Lewis, a staff correspondent of the News at Chicago, during the campaign last year heard stories about the Panama scandal and that he read an article in some paper on the subject and made inquiries about the matter at the Republican national headquarters. Later Mr. Lewis sent the article by mail to the News.

He recalled the testimony to the effect that Mr. Smith read the Panama article in the New York World in New York and that he clipped out the story and filed it with a telegraph company to be telegraphed to the Indianapolis News. The testimony was too that after only a few words of this dispatch had been received at the News office H. A. Palmer, who at that time was acting as managing editor, stopped the message and wired Mr. Smith in New York that the same dispatch was being sent by the Associated Press. Mr. McNamara said that showed Mr. Smith's connection in the publication of the article.

Mr. Williams, he said, testified that he did not write the alleged libelous articles but that they all came to him for approval before being published in the News. This, Mr. McNamara said, showed the connection of Mr. Williams with the articles in question.

Mr. McNamara said that Louis Howland, a special writer on the News, had testified that when he read the article relating to the Panama Canal affair he regarded it as the biggest thing of the campaign. McNamara said he referred to these bits of testimony to show the connection of the defendants with publication of the articles in question and the purpose behind the publication. He said the testimony showed that none of the parties had tried to verify the rumors and the charges made in the Panama Canal matter, but that they had gone ahead and published them without investigation.

He said Mr. Williams testified that he had read the testimony given before the Senate committee when it was investigating the Panama Canal deal and yet the News said Mr. Williams when he read the alleged libelous articles did not make any effort to look into the matter to find out whether the articles were true or not.

Mr. McNamara contended that the position of the Indianapolis News in this matter was that when a man was charged with graft and crime and had made a denial, the News was continuous in its policy of publishing the charges and the denial, and that the News had cared to make sure of their facts.

Commenting on the points made in

PRESBYTERY UPHOLDS BLACK

HERESY FIGHT APPEALED TO THE SYNOD.

The New York Clergy Turn Down Protest by a Close Vote and Will Go Ahead With the Ordination—The Young Candidates' Statement of His Faith.

The New York Presbytery refused yesterday, 40 to 33, to postpone until after the meeting of the synod the ordination of the Rev. Archibald Black as pastor of the Bedford Park Presbyterian Church. The sixteen clergymen who requested such postponement because of their belief that the young Union Theological Seminary graduate is a heretic will carry their fight to the synod. The ordination will go on. So will the wrangle.

Two protests, each signed by the sixteen, were read to the 100 men who were at the meeting. The first document repeated the earlier declaration of the signers, that the Presbytery had erred in licensing Mr. Black to preach. The second protest put the case even more strongly and named John S. Steen and George A. Fitch, Mr. Black's classmates at the Union Theological Seminary, along with Mr. Black. It follows:

The protestants beg to modify their earlier protest against the licensing of Messrs. Black, Steen and Fitch as to the following particulars, necessitated by the reply adopted October 14 by the Presbytery:

First—Although as stated in the reply the chairman of the examining committee attempted to follow the general line indicated by his questions the examination of Mr. Black, in the examination of the other two candidates the time did not at all permit an adequate questioning, especially as the vote was taken in both cases after the call for the previous question. Even in Black's case the real was far from satisfactory. In particular we specify that when, following the suggestion of the moderator that brethren so far as possible should ask questions through the examiner, one of the members of the Presbytery asked this question: "What is the doctrine of the confession of faith as to the inspiration of the Scriptures?" the examiner refused to put the question, declaring that the confession of faith had no doctrine as to the inspiration of the Scriptures, which was a direct denial of the doctrine as to the inspiration of the Scriptures.

We call attention to the fact that Mr. Fitch explicitly declares that the virgin birth of Christ, his bodily resurrection and the raising of Lazarus "do not form the basis of his religious convictions," so that while he does not explicitly deny these facts of Scripture he evidently questions their truth, referring to the critical difficulties "attending their acceptance." These critical difficulties are precisely "crucial questions of criticism" to which we have called attention in our protest and which in the light of Mr. Fitch's letter need to be made still more emphatic.

G. L. Shearer, W. D. Buchanan, H. B. Elliott, Robert Abbott, G. P. Ludlum, G. H. Humphry, John Fox, C. Glaz, E. J. Russell, D. S. Gregory, F. E. Shearer, J. G. Parsons, George W. C. Hamner, J. J. T. Lytle, C. Deane.

A letter from the Rev. Mr. Black addressed to the Moderator was read. It was:

"At this time I would like to take the opportunity of stating frankly and in brief what I desire to enter the ministry, and my desire can be summed up in the words, 'That I may: testify the gift of the grace of God.' My one desire is to preach to men the race of God as revealed in Jesus Christ, whom I know as my Redeemer, whom I know as a divine Son of God, and whom I know as my Father. In Christ God has supremely revealed the fact, and with Paul I can say that God was in Christ, reconciling the world unto himself."

Through Christ alone can we truly know the Father and His will for us, and this He has shown us by His life here. His death on the cross, and His resurrection from the dead, and His Word became flesh and dwelt among us. He offered Himself a sacrifice for our sins, and is now lifted up, that whosoever believeth in Him may have everlasting life. In my life I desire to preach Christ to men that they may be persuaded to come to Him from their sins, know Him in truth, love Him with their whole hearts and to see Him as their Lord and Savior."

This letter was held by the majority to cover the ground amply in so far as the writer was concerned, but by the protesters it was regarded as not changing the situation in the least. The reply of the majority of the Presbytery was as follows:

"This protest is largely identical with that already offered against George A. Fitch. A small majority of the Presbytery reiterates its own opinion that the candidate rejected the supreme and infallible authority of Scripture and has administered of errors growing out of this. The Presbytery again refuse to accept the allegation as correctly representing the candidate's attitude. He has solemnly affirmed his acceptance, both of the Scriptures and Confession of Faith. The Presbytery took pains to satisfy itself both of his intelligence and his sincerity in so doing."

The meeting named the Rev. Dr. W. R. Richards, the Rev. Dr. C. A. Stoddard and Robert Wallace, elder, to defend the Presbytery before the synod at Johnstown on October 18, and adjourned to meet at Bedford Park next Sunday evening, when the ordination of Mr. Black is to go on. The close vote and the feeling of conservative strength outside of New York gave the protesters great comfort.

JUDGES HOIST SALARIES
And the Board of Estimate Can Only Make Faces Over It.

Mayor McClellan and President McGowan of the Board of Aldermen intimated at yesterday's hearing on the budget that the Judges of the Supreme and County courts of Brooklyn were seeking to raise the salaries of their clerks and other subordinates. Under the law the Judges have the right to raise salaries as they see fit, and all that is left for the Board of Estimate to do, as Mr. McGowan angrily remarked yesterday, is to act as a "rubber stamp."

Thomas P. Crowne, clerk of the Kings County Court, appeared to lay the estimates before the Board of Estimate, and by questioning him it was brought out that it was proposed to increase the salaries of the clerks by from \$400 to \$500 a year. It had been decided also, Mr. Crowne said, that probation officers should get \$2,500 a year each. The Judges in the County Court have forty-six subordinates, and because of their increased salaries the appropriation asked for for next year is \$140,358, as compared with \$131,000 this year.

When Mr. Crowne explained that the board had no alternative but to agree to the salary increases Mr. McGowan exclaimed:

"I think that such a situation as this is an outrage on the taxpayers. The Judges, it seems, have the power to raise the salaries of their employees and to make appointments as they see fit without coming for approval of their actions to this body, which directly represents the taxpayers in the expenditure of money. It is a very serious matter, and it is a very serious matter that the salaries of the employees of the Supreme Court call for an appropriation for next year of \$1,079,980, as compared with \$1,000,000 for this year, and the Board of Estimate has no alternative but to grant the extra money."

To Give Cook Freedom of the City.
The "freedom of the city" will be given to Dr. Cook, the Arctic explorer, at a special meeting of the Board of Aldermen to be held at 2:30 o'clock on Friday. The call for the meeting was issued by acting Mayor McGowan on Saturday. Resolutions giving the "freedom" will be passed and an order of commendation will be presented to Dr. Cook, enclosed in an engraved mahogany cabinet.

Commenting on the points made in

TO BUILD CANADA'S NAVY.

HARLAN & WOLF SAID TO HAVE SECURED SITE FOR A SHIPYARD AT LEVIS.

MONTREAL, Oct. 11.—Word was received here from Quebec to-day that the Harlan & Wolf shipbuilding firm of Belfast, Ireland, working in conjunction with the Canadian Pacific Railway, had acquired a large area of land at Levis, at which dry dock, ship repairing and building plants would be built this spring for the purpose of building Canada's navy. Sir Thomas Shaughnessy, president of the Canadian Pacific Railway, refuses to discuss the rumor. It is said that he personally conducted the negotiations between the shipbuilders and the Government.

OTTAWA, Ont., Oct. 11.—At the coming session it is probable the Dominion Parliament will vote from \$10,000,000 to \$20,000,000 for navy building. There is some criticism of the Government's suggested policy in undertaking to create a navy. Some argue that it would be cheaper for Canada to give the money to England for Dreadnoughts.

"Canada does not want to build cruisers that in a serious conflict would be useless," says the Toronto Telegram editorially, "and will merely serve American jingoism as a pretext for increasing the naval armaments of the United States. The same newspaper says Canada is not bound to take Lord Bessford's advice along these lines, and adds: 'There may be no more wisdom in the advice of Lord Bessford gives to Canada than there is in Lord Charles Bessford's advocacy at New York of an Anglo-Saxon alliance on the ground that Britain needs the help of the United States. The way that Britain will get the help of the United States is to be able to do without it. Canada's cruiser navy must increase Britain's responsibility without increasing Britain's resources. Why fasten upon this country a liability of \$20,000,000 for a toy navy of twelve cruisers? If Britain's Dreadnoughts hold the seas Canada's cruisers will be safe.'"

HUNGRY FOR BLOOD, SAID FINN.
The Magistrate Orders Detective Sussillo Out of His Court Room.

Magistrate Finn had a clash yesterday with Detective Nicholas P. Sussillo of the fourth branch of the Detective Bureau in the West Side court. Mrs. Augusta Weckstrom of 203 West Forty-eighth street told the Magistrate that Sussillo forced her to make a complaint against Miss Kate Blaney charging her with larceny.

Miss Blaney admitted that she took a piece of cut glass from Mrs. Weckstrom's home, but the latter said that she did not want to press the complaint.

"The detective who he had insisted on the woman making a complaint he said: 'I know what kind of men you do detectives are!'"

"I wish to explain," said Sussillo. "Silence!" roared the Magistrate. The detective attempted to have his "Silence!" commanded the Court. "I want you to draw up an affidavit showing that the complaint is withdrawn. If you will not do it," answered the detective.

"Get out of this court immediately," ordered the Magistrate, and Sussillo went, saying that he would take the case to the District Attorney's office.

PURE REASON, AND THE LAW.
Imagine the United States Supreme Court Trying to Convince This Lady.

While the calendar in Part I. Trial Term of the Supreme Court, was being called yesterday morning a woman rushed up before Justice Bischoff and said that a young man who was right behind her was trying to get hold of the property and money of a woman now in a Rhode Island insane asylum.

Justice Bischoff gave the chance to ask a few questions he learned that the woman was Theresa Stegner of 802 Second avenue and that the man was George B. Stegner, a lawyer, 30 Broome street, who has been appointed committee of the person and property of Mary Fleck. Mrs. Stegner, with whom the incompetent boarded for some years, related the lawyer's efforts to get Miss Fleck's trunk and bank books, and he brought her to court yesterday on an order to show cause why she should not be punished for contempt.

Justice Bischoff explained to the woman as gently as possible that the lawyer had been appointed by the court and had full power to take what he had been asking for, and advised Mrs. Stegner to make no further trouble.

"I don't see why he should have it," said Mrs. Stegner as she left the court room. "The man is even related to her, while she boarded with me for years."

EAST SIDE HEALER PASSES.
Moses Mindelsohn Extracted Corns to Music—His Secret Lives.

Moses Mindelsohn, whom everybody on the East Side knew, is dead. He was the official corn and wart doctor of the tenements. Whenever he mounted his packing box stand at Grand and Ludlow streets and started to hum his cure always a crowd would block the streets.

When trade relaxed at this stand Moses would take his wagon, place a hand organ upon it and rumble through the streets playing the melodies of all nations. Whenever a customer would oblige, Moses would play the customer's national anthem. He knew every tongue all the way from Russian to Chinese and back again. He sold his wares and procured his gain the title of official corn doctor to the Florio Sullivan Association.

One night last week Moses wasn't feeling well, so they induced him to go to Gouverneur Hospital. On Sunday night he died. The secret of the saint did not die with him, thanks to Joe Levy, the Duke of Essex street. One day the Duke told the doctor, "Moses, what do you put in that salve of yours?"

"Sh, ah, speak easy, Joe," said the doctor; "it's axle grease, just plain axle grease. I just soften the wart and pull it out."

NO PIE, BAKERS HAVE QUIT

PASTRY OVENS ARE COLD ALL OVER THE CITY.

Master Bakers Declare a Lockout Following Refusal of Union Men to Work Until Wages Are Raised \$1 a Week—Blow Stagers Some Restaurants.

Yesterday's sun rose upon a city desolate of freshly baked pies. The threatened strike of the Pie Bakers Union for a dollar a week increase in wages was something more than a bluff for once. After midnight Sunday every oven in the shops of the Bakers Employers Association was allowed to grow cold.

The final decision to strike was reached at a brief meeting of the union. The strike was followed by a sympathetic strike of the Pie Salesmen's Union. There was little to sell, however, as members of the association bake few more pies than are ordered. The only pastry of this kind left in New York was the output of several independent firms and the pies left over in refrigerators from Saturday and Sunday. The supply of pie comes daily and the full effect of the scarcity will be felt to-day.

The table d'hôte concerns and the restaurants which alternate pie with ice cream were at a disadvantage yesterday. The ice cream season is over and there was not enough pie to go around. Charlotte ruses in a few of these places took the place of the familiar wedges.

All the firms in the association were union firms up to yesterday. At a meeting of its representatives in the offices of Holm, Whitlock & Scarf, 35 Nassau street, lawyers for the Consumers Pie Baking Company, a resolution declaring for the open shop was unanimously adopted and the strike was changed into a lockout. The strikers can return only by applying for work individually on the open shop plan.

The strike to enforce a demand for a dollar a week increase in wages was precipitated by the following reply from the association to the union:

"Your letter of October 5, 1909, addressed to the members of our association, was duly received. At a meeting of our association a resolution was unanimously adopted refusing the demand. Yours respectfully."

BAKERS EMPLOYERS ASSOCIATION.
The letter was also signed by representatives of the following firms as representatives of the association: The New York Pie Baking Company, the Consumers Pie Baking Company, the American Pastry and Manufacturing Company, the Manhattan Pie Baking Company, the Wagner Pastry Company of Newark, the C. Koester Pie Baking Company, E. A. Munson and Louis Vincent of Hoboken. One non-union firm which joined with the association in the refusal of the demand is the Schmalz company.

No attempt to fill the places of the strikers was made yesterday and the ovens were not heated. At the bakeries all the shelves were bare. There was no pretense of doing business. A representative of the Manhattan Pie Baking Company, 54 Grand street, said: "I do not know when I shall reopen again. That will be decided later. Of course there is a pie famine, but that is the fault of the union. We had yielded to its demands until patience ceased to be a virtue and simply had to fight, as it had driven us to the wall. It is not true, as some of the union leaders have said, that the price of pie was reduced through competition for trade. How could that be done with flour and everything else rising in price and wages at the highest point?"

There is very little money in the business as it is. The average wages of the pie bakers is more than \$15 a week and some of them through overtime make as much as \$18, \$20 and \$22 a week. We had to get along as best we could, but when the union demanded a dollar a week increase in wages it was the proverbial last straw. We had to call a halt after making sacrifices for years to keep our good terms with the union. Now we are driven into a fight whether we like it or not. We believe that our customers will realize the situation and that their sympathy will be with us."

Headquarters for the strikers were established at 142 Second street, where Charles Iffland, general organizer of the Journeymen Bakers and Confessors International Union, took formal charge of the strike and a strike committee was appointed. Iffland said that a dollar a week was a small thing for the men to refuse. The brief of reply to the employers in refusing the demand, he said, was adding insult to injury.

EX-RABBI A SUICIDE.
Hopeslessly Ill, He Carries Out Death Sentence—Writes to His Mother.

George Bergman, a former Jewish rabbi, who had been an inmate for ten days of the Montefiore Home for Cripples, committed suicide to-day by hanging himself. He left two notes—one addressed to his mother in Russia and the other unsealed and unaddressed. It read: "I can't live any longer, especially surrounded by misery."

Bergman's body was found by a night watchman. It was hanging to a bedpost by a rope made of bedclothes. He was born in Austria thirty-five years ago. He was a graduate of the University of Vienna. Ten years ago he came to America and preached as a rabbi at Orange, N. J.; Allentown, Pa., and in the Bronx. Seven years ago he went to St. Louis and began to practice as a dentist.

Two years ago Bergman was stricken with locomotor ataxia. He had been in various hospitals and through the efforts of the United Hebrew Charities was admitted to the Montefiore Home. He came there in October 1. He grew despondent as he realized that his case was incurable. In the letter to his mother he wrote: "Life has for me no further charm. I have been pronounced a hopeless cripple. I had tried hard to get relief. This disease has blasted my life and a specialist's decision, given two days ago, was my death sentence, which I now execute. I ask you to forgive me."

SHORT FLY AT BAY SHORE.
Accident to Propeller Cuts Short Mr. Van Anden's Trip.

BAY SHORE, L. I., Oct. 11.—Frank Van Anden of Islip made a short flight in his aeroplane here this afternoon. Mr. Van Anden brought his airship here this morning and it was towed out to the golf links this afternoon by an automobile. It rests on three wheels and it was steered by Van Anden as it trailed along in the wake of the automobile. The machine resembles that used by the Wright brothers.

The aeroplane rose gracefully and when at a height of about forty-five feet it went ahead some 500 feet, going evenly and steadily. Then something was seen to be wrong as the aeroplane began to descend. Although it had been seen that Van Anden's intention to stay up for some time. The machine came down slowly and landed with hardly any jar.

Van Anden said that something about the propeller had broken. The machine was not otherwise damaged and the owner said he would make another flight on Wednesday next. About 400 persons saw the flight.

EX-BANKER CHARGED WITH MISLEADING MAILS.
CHICAGO, Oct. 11.—W. H. Hunt, once head of the Pan-American Bank, was arrested late this afternoon by post office inspectors on a warrant charging him with using the mails to defraud.

COMMENCEMENT AFLOAT.

The Schoolship Newport Graduates Thirty-seven Cadets.

The New York Nautical School held its commencement exercises yesterday afternoon on the training ship Newport at the foot of East Twenty-fourth street. Thirty-seven cadets were graduated. The majority of them will enter the merchant marine service.

Among the speakers were Egerton L. Winthrop, Jr., president of the Board of Education; Charles E. Norman, president of the Maritime Association, and Mrs. Robinson, president of the Colonial Dames, who presented Cadet John R. Mackay, the valedictorian, with a gold watch for general proficiency. Capt. Henry M. Seelye delivered the address to the class.

ASSETS (IN JAIL).

Herman Streiff, a wholesale jeweler at 415 Broadway, with a branch at 28 Market street, Newark, has failed to obey an order of Nathaniel S. Smith, referee in bankruptcy, to pay \$10,000 to Max L. Schalkel, trustee in bankruptcy, for assets unaccounted for and on motion of Emanuel Eschwey, a counsel for Mr. Schalkel, Judge Hasid has ordered the commitment of Mr. Streiff until the money is paid. Streiff attempted to account for the disappearance of one of the parts of the jewelry store in Newark was robbed on the night of March 30, 1909, of jewelry worth from \$5,000 to \$6,000, but the referee disbelieved the story of the robbery.

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